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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,758	01/26/2004	Makoto Yoshino	4041K-000169	1893

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EXAMINER

KEE, FANNIE C

ART UNIT PAPER NUMBER

3679

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,758

Applicant(s)

YOSHINO ET AL.

Examiner

Fannie C. Kee

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) 7-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 3/22/2006.

2. Applicant's election without traverse of claims 7-42 in the reply filed on 3/22/2006 is acknowledged. However, upon further review, an election of species within claims 7-42 is required.

3. This application contains claims directed to the following patentably distinct species (from which one will be elected among species I-XV):

- a. Double Pipe Structure:
 - i. Species I drawn to Figures 9-12;
 - ii. Species II drawn to Figure 13; or,
 - iii. Species III drawn to Figure 14.

The species are independent or distinct because of the different types of configurations of the double pipe structure such as a male portion and a body and where the joint member joins the ends of the inner and outer pipes (species I); where the joint member has an additional passage (species II); and, where there are both male and female portions, a joint member and a protruding portion in the lower body (species III).

- b. Double Pipe Joint Structure:
 - iv. Species IV drawn to Figures 20-22 and 24;
 - v. Species V drawn to Figure 25;

Art Unit: 3679

- vi. Species VI drawn to Figure 26;
- vii. Species VII drawn to Figure 27;
- viii. Species VIII drawn to Figure 28-29;
- ix. Species IX drawn to Figure 30;
- x. Species X drawn to Figure 31;
- xi. Species XI drawn to Figure 32;
- xii. Species XII drawn to Figure 33;
- xiii. Species XIII drawn to Figure 41-42;
- xiv. Species XIV drawn to Figure 43-45; or,
- xv. Species XV drawn to Figure 46.

The species are independent or distinct because of the different types of configurations of the double pipe joint structure such as an engaging member with an insertion groove (species IV); an engaging member with an additional ring member (species V); the use of bead machining to form the expanded portion (species VI); an elastic engaging portion (species VII); an expansion valve and two way branch joint (species VIII); no engaging portion and the use of plastic deformation (species IX); a screw member (species X); the use of a fastening member and ring member (species XI); the use of a fastening member and bead machining (species XII); a two way branch joint (species XIII); a quick joint and bypass inner pipes (species XIV); and, a nut member and the use of spinning (species XV).

- c. Other elections within subgroups will also be necessary depending upon the species chosen.

xvi. Any species elected between species IV-XII must also choose the type of fin configuration:

- (1) Figure 37 – spirally extended fin portions;
- (2) Figure 38 – spider-like extended fin portions;
- (3) Figure 39A – two fin portions;
- (4) Figure 39B – one fin portion;
- (5) Figure 40A – 3 fin portions tangentially divided; or,
- (6) Figure 40B – 3 fin portions radially divided.

xvii. Any species elected among species VI, IX, XIII, and XIV must also choose the type of bypass inner pipe:

- (7) Figure 49A – means of drawing; or,
- (8) Figure 49B – bicolor forming.

xviii. If (7) or (8) are elected, the type of holding ring method must also be elected:

- (9) Figures 50-51 – with an inner ring; or,
- (10) Figure 52 – no inner ring.

xix. If species XV is elected, the type of step portion must also be elected:

- (11) Figure 47 – with a C-ring; or,
- (12) Figure 48 – a cylindrical member.

4. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species and applicable sub-group for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie C. Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Fannie C. Kee
July 17, 2006



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600